

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 09 2006

OFFICE OF PETITIONS

In re Application of :
Watson : DECISION ON PETITION
Application No. 10/655,918 :
Filed: September 5, 2003 :
Atty. Dkt. No.: TEM639 :

This decision is in response to the petition filed November 21, 2005 under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is hereby GRANTED.

This application was held abandoned July 30, 2005, for failure to timely file a proper response to the non-final Office action mailed April 29, 2005. The Notice set a three month shortened statutory period for reply. No extension of time in accordance with 37 CFR 1.136(a) was timely obtained. Notice of Abandonment was mailed November 10, 2005.

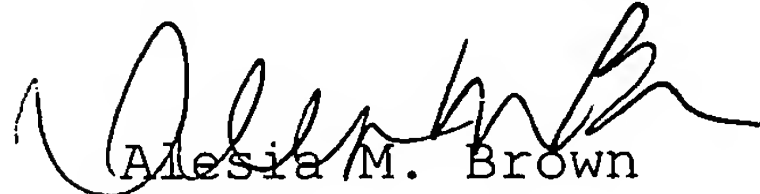
Petitioner argues that a response to the non-final Office action was timely submitted June 22, 2005 in accordance with the Certificate of Mailing procedures outlined at 37 CFR 1.8. Petitioner has included a copy of the response to the non-final Office action.

A review of the application file does not indicate receipt of the response purportedly submitted June 22, 2005, however, the response will be considered timely as it complies with the requirements of 37 CFR 1.8(b) in that (1) the Office was promptly informed of the previous timely mailing, (2) a copy of the previously submitted correspondence with certificate of facsimile thereon has been supplied, and (3) statements attesting to the previous timely mailing have been submitted.

In view of the above, the Notice of Abandonment is hereby VACATED and the Notice of Abandonment is WITHDRAWN.

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', is written over the printed name.

Alesia M. Brown
Petitions Attorney
Office of Petitions